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Pepper, George Wharton

Democracy and service

[Philadelphia]

[1921]

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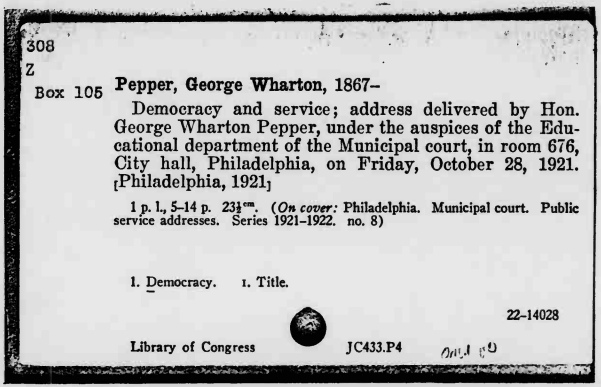

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Box 105 **Pepper, George Wharton, 1867–**

Democracy and service; address delivered by Hon. George Wharton Pepper, under the auspices of the Educational department of the Municipal court, in room 676, City hall, Philadelphia, on Friday, October 28, 1921. [Philadelphia, 1921]

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Box 105

"DEMOCRACY AND SERVICE"

ADDRESS DELIVERED BY

HON. GEORGE WHARTON PEPPER

UNDER THE AUSPICES OF

THE MUNICIPAL COURT OF PHILADELPHIA

GJP
Municipal Court of Philadelphia
4-10-22

DEMOCRACY AND SERVICE

Address delivered by Hon. George Wharton Pepper, under the auspices of the Educational Department of the Municipal Court, in room 676, City Hall, Philadelphia, on Friday, October 28, 1921

Judge Brown: This is the first of the 1921-1922 series of lectures on the public and social service. We have been giving these lectures for some period of time in order that those who are engaged as probation officers in the city of Philadelphia might have the advantage of some instruction from widely known men and women in this country.

We have with us to-day a gentleman of wide experience, an educator and a member of the Philadelphia bar, who will give you I know a message that will benefit you in the performance of your duties both as public servants or in social organizations of the city. It gives me great pleasure to introduce to you to-day, Hon. George Wharton Pepper.

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ADDRESS

Mr. Pepper: Ladies and Gentlemen:—Anybody who has ever had to make an after-dinner speech remembers the feeling of hopelessness when introduced by a toastmaster who intimated to the assembled diners that the speaker would entertain them and be funny, but the task of being funny seems to me relatively a simple one compared with the task that Judge Brown has laid upon me, which, if I am to believe the invitation he has sent to you, is the task of supplying you with instruction and delivering to you a message. I wish I were adequate for the performance of such a task, but the truth is the wellsprings of one's instruction tend to run dry and messages are often not those which are most needed by those to whom they are delivered.

Please do not be discouraged when I tell you that everything which I shall say to-day is already entirely familiar to you. I have nothing startling to communicate and I should think it an impertinence to obtrude upon experts the crude speculations of a tyro. My aim is merely to lead you to analyze and classify your own thoughts concerning democracy and service and thus to increase the practical usefulness of those thoughts both to you and to others.

At the ball park one day some people in a front row stood up at a critical point in the game. Menacing yells of "down front" from the rest of the bleacher community quickly brought the upstarts to their seats.

At the same game, in the standing crowd, a small boy found his view entirely obscured by the taller

people about him. "Give the kid a chance," cried the neighbors—and they pushed him to the front.

These two homely incidents disclose the two considerations which always lead the crowd to be interested in the individual. One consideration is self-interest. The other is concern for the welfare of a fellow creature.

The self-interest of permanent groups expresses itself in organizing a government. Concern for the other fellow's welfare manifests itself in service. The fans who suppress their objectionable neighbors are really discharging a governmental function. The same fans in giving the lad a chance to enjoy the game are actually engaged in social service.

Some people regard selfishness and unselfishness as opposed to one another. One man is said to differ in kind from another when the first is classified as a selfish man and the other as an altruist. If such an analysis is sound, government and service should be conceived of as at the opposite poles of human interest. Government, upon such a theory, should act impersonally and apply general rules to masses of people. Service should ignore general rules and deal only with the individual.

When I put the matter in this way you see at once that there is something faulty in the analysis. You reflect that it is a practical impossibility to conserve the interest of the crowd unless the individuals in the crowd are happy and contented. You observe that the good-natured impulse to give the small boy a chance to see the game really has behind it a measure of self-interest. If he is not given a fair chance and proceeds to howl in despair, nobody around him can have a good time. You rightly conclude that both selfishness and selflessness are only disturbances of what should be in balance. The man who esteems himself more highly than his neighbor and the man who values his neighbor more highly than himself are trying to tip a scale which should be held even. The thing that we call the Golden Rule is nothing but the formula for pre-

serving a balance between the factors which respectively underlie government and service.

This seems clear when we think about it. And yet much of our practice has been ordered upon the theory that government must always act impersonally and that service to an individual has no scientific relation to service to any other individual.

Think, for a moment, of the operations of government.

Lawyers are always boasting that law is a science—that it is no respecter of persons—that its strength is its universality. Students of legislation point with satisfaction to Constitutional provisions which forbid the enactment of local or special laws. Executive regulations deal with all alike—a military regulation being the extreme case of a rule that must be enforced no matter what ensues.

But another side of the picture is worth glancing at.

As soon as law becomes too abstract and universal, an equity jurisdiction is developed. Equity, according to a classical definition, is the correction of that wherein the law by reason of its universality is deficient. When equity jurisprudence itself becomes crystallized and the courts too far removed from mass contacts, we begin to hear ominous rumblings and daring spirits advocate the recall of judges. Legislators, confronted with the prohibition against individualizing places or people resort to the device of classifying both places and persons in relatively small groups, thus professing to pay deference to the prohibition and at the same time straining it to the breaking point. After general rules of criminal law and procedure have been applied with a result which the executive esteems unjust, the pardoning power can be exercised at the end of the performance instead of at the beginning. Or perhaps an executive officer, perceiving that people are allowed medicine which they do not want and are denied liquor which they do, proceeds to encourage the individual to classify thirst as a disease in order to justify the prescription which is sure to cure it.

If we review with critical eye the operations of government, we shall find that the happiest results are attained when government and service actually become partners in the task of relating the welfare of the individual to the welfare of the crowd.

In some fields of governmental activity this view is universally accepted—at least as a theoretical proposition. Take public education, for example. If there were such a thing as mass education it would not be education at all. Unless in the educational process each individual is to some degree isolated and dealt with according to his specific strength and weakness the result will be arrested development and emaciated personality. A successful gardener cares for his flowers one by one.

We are all accustomed to the contact of government with the individual in the domain of education. From kindergarten to university we expect the State to offer opportunities to the young and to compel or urge the young to take advantage of them. We have considered it too plain for argument that there should be trained teachers, adequate school equipment and a pedagogical method which tends to individualize the child. Why? Because the machinery of government will not long work unless young citizens are trained to take their places in the social system. We can't enjoy the show if the child beside us is shrieking with disappointment or rage. The nearer our approach to pure democracy the more important to all of us that each should have educational experience. Autocracy or aristocracy may get results while ignorance abounds, but democracy never can. A vague recognition of this truth leads us Americans to rhapsodize about our public school system; but our grasp of the truth is not yet firm enough to make us pour cheerfully into the school fund the money necessary to make its work effective.

While we have come to recognize that in education government must serve each individual and regard him as a separate object of concern, we have

been slow to perceive how widely the same principle should be applied.

What is education? It is self-development in response to stimulus. It is the process by which a man discovers his latent powers and drafts them for use.

What, then, is the limit of education? There is no limit, except when the individual, through physical or moral degeneracy, has become incapable of responding to stimuli. It is a grave mistake to think of the educational process as applicable only to the innocent young. It is worse than a mistake to divide people into the good and the bad and advocate education for one group and punishment for the other. It is or ought to be the concern of government that there shall be applied to each individual the stimulus needed to develop his latent powers. There are relatively few people, if any, who are altogether beyond the reach of redeeming influence. There is a ring of truth in the maxim that a man may be down but never out. The grown man who has never had a chance should be a subject of equal public concern with the child in the kindergarten. The man or the woman with a criminal record is in need of the educational process as much as the most punctual scholar in Sunday-school. All these people, the young and the old, those whom (God forgive us!) we classify as the depraved and the degenerate—all of them have latent powers. If we give them a chance to see the game—if we help them to discover these powers and to draft them for use, all these people will remain seated when a double play is in progress and we shall discover that our interest and theirs is identical.

The Municipal Court and its socializing activities represent government in contact with the individual. The creation and record of the Court is a standing answer to those who would build a bulkhead between government and service. It is not an extravagant statement to assert that this Court is part of the public school system of the community.

When I examine the report of the Municipal Court and the report of the Board of Education I am driven to the conclusion that I am considering different phases of the same subject. When I was a teacher it was my constant effort to suggest the essential unity of courses ordinarily classified as strangers to one another. Imagine attempting to consider space without a simultaneous consideration of time. But geography is our race in its space-relations and history is our race in time. A child should not be set to study geography in one course and history in another. Neither has any meaning without the other. The story of the race is a single story, combining in a single record what we have done in time and space. So the educational activities of the community should be thought of as a whole. Adequate financing, suitable equipment, dignified and even majestic housing—these are the due of our great systematic efforts to stimulate the individual to discover and use his latent powers.

Glance at the departments of the Court's work. Interpret each as an educational agency. In the Domestic Relations Division there is laboratory work in that extended field. Divorce stands in the same relation to married life as suicide does to the life of the individual. It is a confession of hopeless failure. The aim of this division is to help people find a solution of their problem which may convert defeat into victory.

Then there is the Criminal Division. I wish it were called the Crimes Division. That is a classification according to the fact. I am opposed to calling a man a criminal merely because he has been accused or convicted of crime. We ought not to classify our fellow beings but only the things they do. After all, this is the thought that underlies the contacts of the Court officers with the individual. The aim is to serve the community by serving him. If punishment is meted out it is regarded as part of a needed service. It is not an insolent attempt to vindicate divine justice.

And so of the Misdemeanants' Division and the Juvenile Division. Each is an educational agency; and as each is studied you perceive that the so-called probation officer is really misnamed. It is not his business to put a man to the test. His function is to stimulate the man to develop himself to meet the inevitable test. He is an educator in the truest sense of the term. He needs the temperament and training of the teacher. He ranks as an officer of the Court; but his official character should be lost in his manhood. For this reason the Educational Work of the Court, specifically so called, is just as important in this field of education as teacher-training is to the public schools or West Point to the Army or Annapolis to the Navy. If government is to serve the individual, the thing must be done through a human agent and the agent must be equipped for his difficult and glorious task.

And this leads me back to a point reached a while ago. I marked the steady tendency of successful government to consider the individual and not to deal merely with generalities applicable to people in the mass. I now call attention to the equal and opposite tendency of service to deal with the individual only in the light of general rules. This suggests the thought that if we turn to service for relief when government becomes too coldly scientific we must see to it that service has not become incapable of relief by crystallizing itself into too rigid a science.

Like so many situations in life, here is a case in which we must steer resolutely between the whirlpool and the rock. Government must be socialized—but not beyond the point at which the interests of the individual and of the community are in balance. And this is the point beyond which service must not be systematized or it will defeat its own ends. A government which pays greater regard to the interests of individuals is a tyranny. A service which submerges the individual in a sea of regulations and case-records is not service but exquisite torture.

The recent effort at Constitutional Revision in Pennsylvania was an attempt to bring government and the individual nearer together. Our existing Constitution is a magnificent system of rigid generalities. It would have been a great thing if the task of relaxing and particularizing could have been undertaken at this time when there is little danger that either process would be carried too far. Our people are rapidly developing a social consciousness and such a popular process may go too far. If it does, those who successfully obstructed the movement for revision at this time, may find in the end that they gained only a Pyrrhic victory.

In what I have said so far I have emphasized the contact of government with the individual through the Municipal Court. It is characteristic of democracy, however, that government is only one of many agencies through which the community expresses itself. It is the glory of democracy that it imposes a minimum restraint upon the liberty of the individual to do as he pleases. As the vast majority of us please to do what is best neither for ourselves nor for the community, democratic government might prove hopelessly ineffective were it not supplemented by voluntary unofficial agencies which do the things which the government does not undertake at all or touches only in a half-hearted way.

It is therefore in a democracy that the call to service is loudest. While it is self-interest or care for the other man that moves the many to concern themselves for the welfare of the one, there is in a democracy the obligation resting upon each individual citizen to serve the many in ways additional to those which government undertakes. Under such a form of government as ours the duty of service ranks higher than under any other. It was a happy inspiration which caused a distinguished fellow citizen of ours to force the ideal of service upon the attention of everybody in this community by establishing an award to be made annually to the person who within the year has deserved best of his

fellow citizens. When in response to the appeal for service voluntary agencies come into existence and are doing their work, there are two opinions respecting the relation in which they should stand to the State. One opinion is that the State should exercise nothing but visitatorial powers over them. The other opinion is that the privately controlled agency may properly receive appropriations of public money to an extent not exceeding the cost of the public work which, but for the existence of the agency, it would be the duty of the State to do directly. The abuses growing out of applications for charitable appropriation have led many people to take the former view. There are others, however, and I am one of them, who believe that in a democracy such as ours it is a healthy thing to supplement government agencies for social service by extending State aid to private institutions existing for the same end, always provided that a method of appropriation and administration can be devised which will guard against the evils of the existing system. Such a method was in fact devised by the Commission on Constitutional Revision and embodied in the draft Constitution submitted to the Legislature. It is an additional reason for regret that this proposal was rendered ineffective by the blocking of the entire movement by the reactionary interests that were opposed to it.

In time past we have suffered, even in the case of private agencies for social service, from their tendency to interpret their function too narrowly. The social service departments which in recent years have become integral parts of our great hospitals are a happy recognition of responsibility for something more than temporary attention to bodily ailments.

It goes without saying that the individual social worker in the service of a private institution is subject to the same tendency that besets the social worker in the service of the State—the tendency, namely, to lay upon his method an emphasis which

should rather be placed upon the life of the individual whom he is seeking to serve.

This tendency you are all more or less successfully resisting. Each of you doubtless knows where to find the springs of inspiration which make you glory in the day's work and count it supreme happiness to spend and be spent for your fellowman. No one can be of much help to another in the great crises of life unless there is a secret chamber in his being into which he can withdraw from time to time and find himself in the presence of his ideal. The ideal may vary according to the philosophy or the religious conviction of the individual. In that secret chamber he may be aware of the presence of the Master who said of himself, "I am among you as one who serveth." The chamber may be filled with the glory of the Lord of Hosts and the man may emerge as if he were a ministering angel sent straight from the Throne. Or the ideal may be impersonal—the duty to one's country, to one's community or to one's race. Whatever be the ideal, let it be enshrined in the inmost recesses of being. Have recourse to it not merely at stated times but whenever there is a great demand upon one's stored influence and power. From these communings with your unseen ideal you will go forth to your task with unconquerable optimism and overflowing joy.

Judge Brown: I knew that Mr. Pepper would bring to all a real message to-day. I do not think I introduced him improperly, if he thought I had. I want to thank him in behalf of the people here, who are striving to do and are doing a great piece of work in this community. I want to thank him in your behalf, as well as my own, for this wonderful address that he has given us.

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